

Message Text

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FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

AMCONSUL HONG KONG

AMEMBASSY BANGKOK

AMEMBASSY KUALA LUMPUR

AMEMBASSY MANILA

AMEMBASSY SINGAPORE

AMEMBASSY JAKARTA

AMEMBASSY LONDON

AMEMBASSY TOKYO

AMEMBASSY TAIPEI

C O N F I D E N T I A L STATE 299088

E.O. 11652: GDS

TAGS: SREF

SUBJECT: PROPOSED PROCEDURES FOR CONDITIONAL ENTRY PROCESS-
ING FOR INDOCHINESE REFUGEE BOAT CASES

REF: (A) STATE 240076; (B) 178281

1. DEPARTMENT EXPECTS SHORTLY A RESPONSE FROM UNHCR WHICH
WILL OUTLINE INTERNATIONAL RESPONSE TO INDOCHINESE BOAT
CASE PROBLEM. ONCE INTERNATIONAL PROGRAM ESTABLISHED, U.S.
CONDITIONAL ENTRY PROCESSING FOR INDOCHINESE REFUGEES CAN
ALSO GET UNDERWAY. THIS MESSAGE OUTLINES PROPOSED PRO-
CEDURES FOR SUCH PROCESSING. POSTS COMMENTS ARE REQUESTED.
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2. THE PROPOSED PROCEDURES BELOW PROVIDE FOR A CENTRAL
POINT FOR CONDITIONAL ENTRY PROCESSING BUT ASSUME THE PRO-
GRAM WILL BE IMPLEMENTED INITIALLY WITHOUT A UNHCR REGIONAL
PROCESSING CENTER. TIME URGENCY MAKES THIS NECESSARY. HOW-

EVER, WE CONTINUE TO FAVOR A UNHCR REGIONAL CENTER AND WILL CONTINUE TO PRESS UNHCR TO SEEK THE ESTABLISHMENT OF SUCH A CENTER IN SEA. IF NO NATION IN THE REGION WILL AGREE TO HOST A SINGLE UNHCR CENTER, IT MAY PROVE POSSIBLE TO ESTABLISH SEVERAL CENTERS FOR THE PROCESSING OF THESE REFUGEES.

3. ABOVE ALL, HOWEVER, WE CONSIDER IT IMPERATIVE THAT UNHCR FIELD STAFFS PLAY A KEY COORDINATING ROLE IN THE OVERALL EFFORT TO ASSIST BOAT CASES. SEA NATIONS OF FIRST ASYLUM MUST BE PERSUADED TO ACCEPT SUCH REFUGEES TEMPORARILY AND NOTIFY THE UNHCR OF THEIR PRESENCE. UNHCR MUST THEN COLLECT APPROPRIATE INFORMATION ON SUCH REFUGEES, ARRANGE FOR THEIR TEMPORARY CARE AND MAINTENANCE, ASSIST IN INITIALLY DETERMINING WHICH REFUGEES APPEAR TO BE APPROPRIATE FOR PARTICULAR COUNTRY RESETTLEMENT PROGRAMS, SEEK OTHER RESETTLEMENT OPPORTUNITIES FOR THOSE NOT IMMEDIATELY SO ELIGIBLE AND GENERALLY GUIDE THE OVERALL PROGRAM. THE PROCEDURES PROPOSED HEREIN ARE BASED ON THE ASSUMPTION THAT THE UNHCR WILL FILL SUCH A LEADING ROLE.

4. PROPOSED PROCEDURES ARE ALSO BASED ON THESE FURTHER ASSUMPTIONS WITH THE UNDERSTANDING THAT THEY WILL BE APPROPRIATELY ALTERED AS THE ASSUMPTIONS CHANGE.

A. NO NEW CONDITIONAL ENTRY POSTS WOULD BE ESTABLISHED. ALL BOAT CASE REFUGEES WILL BE ULTIMATELY PROCESSED THROUGH HONG KONG. 100 CE NUMBERS PER MONTH WOULD BE ALLOTTED TO HONG KONG FOR THIS PURPOSE WITHOUT LIMITING THE AUTHORITY OF HONG KONG ALSO TO CONTINUE PROCESSING OTHER APPLICANTS FOR CONDITIONAL ENTRY.

B. REFUGEES AT POSTS OTHER THAN HONG KONG WILL BE SELECTED FOR FINANCIAL SUPPORT (DOCUMENTATION ASSISTANCE AND TRANSPORTATION LOANS) FROM REFUGEE FUNDS ON THE BASIS OF ELIGIBILITY UNDER EPP PROGRAM CRITERIA AS
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APPLIED TO "BOAT CASE" REFUGEES.

C. WE SUCCESSFULLY IMPLEMENT AT POSTS OTHER THAN HK A PRE-SCREENING PROCESS AS OUTLINED BELOW IN ORDER TO ENSURE TO THE EXTENT POSSIBLE THAT ALL REFUGEES MOVED TO HK WILL QUALIFY FOR CE OR AN IV.

D. THAT THE UNHCR WILL GUARANTEE US AND THE HKG THAT ANY REFUGEES BROUGHT BY US TO HONG KONG AND NOT ACCEPTED BY US WILL BE RESETTLED BY UNHCR ELSEWHERE OUT OF HONG KONG.

E. THAT THE HKG WILL AGREE TO ACCEPT ANY REFUGEES WE SEND TO HK FOR PROCESSING UNDER THESE CONDITIONS

F. DOCUMENTATION SIMILAR TO AND WITH THE SAME CONDITIONS AS THAT SUPPLIED TO AVA CASE REFUGEES FROM HONG KONG WILL ALSO BE PROVIDED FOR "BOAT CASE" REFUGEES PROCESSED FOR CE THROUGH HONG KONG. RECOGNIZE HKG CAN LEGITIMATELY ARGUE THAT OTHER SEA NATIONS WHERE REFUGEES FIRST ARRIVED SHOULD PROVIDE SUCH DOCUMENTATION. WHILE WE WILL SEEK SUCH ASSURANCES FROM ALL COUNTRIES OF FIRST ASYLUM, LIKELIHOOD THAT SOME SEA NATIONS WILL REFUSE AND URGENT NEED TO GET PROGRAM UNDERWAY MAKES HKG AGREEMENT AN IMPORTANT INGREDIENT TO THIS PROPOSAL. WE WILL ALSO SEEK GUARANTEE OF UNHCR TO RESETTLE ANY SUCH REFUGEES IN THE UNLIKELY EVENT THAT THEY WERE RETURNED TO HONG KONG.

G. COORDINATION OF THE PROGRAM WILL BE CENTERED IN INS/HONG KONG.

H. EVERY EFFORT WILL BE MADE TO OPERATE THIS PROGRAM IN THE SAME FASHION THAT REFUGEE PROGRAMS HAVE BEEN RUN TRADITIONALLY, I.E., WITH MINIMAL OPERATIONAL RESPONSIBILITIES IN WASHINGTON AND MAXIMUM RELIANCE ON UNHCR, ICEM, AND VOLAGS IN THE FIELD. D/HA/ORM

WILL NOT REGULARLY FOLLOW OPERATIONAL ASPECTS OF THE PROGRAM. ROLE OF INS AND CONSULAR STAFFS WOULD BE CONFIDENTIAL

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LIMITED TO CONFIRMING ELIGIBILITY UNDER PRESCRIBED CRITERIA, ELIGIBILITY FOR FINANCIAL SUPPORT, ADMISSIBILITY UNDER INA AND ISSUANCE OF A NUMBERS AND IV'S.

5. FOLLOWING ARE PROPOSED PROCEDURES:

A. INITIAL REPORT AND BIO COLLECTION

- UNHCR WILL PROVIDE INITIAL REPORTS WHEN BOATS ARRIVE.

- UNHCR WILL COLLECT BIO INFORMATION ON REFUGEES. QUESTIONNAIRES SHOULD PROVIDE INFO NEEDED BY PARTICIPATING COUNTRIES TO MAKE INITIAL ESTIMATE OF POSSIBLE ELIGIBILITY OF REFUGEES UNDER COUNTRY PROGRAMS.

- UNHCR WILL PROVIDE CARE AND MAINTENANCE FOR REFUGEES UNTIL THEIR ARRIVAL IN THE U.S.

- NOTE: ABOVE FUNCTIONS ARE ALREADY LARGELY BEING PERFORMED BY UNHCR FIELD STAFFS.

B. DOCUMENTATION:

- CONSULAR OFFICERS, ON THE BASIS OF THE INFORMATION PROVIDED BY THE UNHCR, WILL USE EPP CRITERIA (REF B) AND OTHER GUIDANCE AS APPROPRIATE TO DETERMINE WHICH REFUGEES MAY BE ELIGIBLE FOR REFUGEE PROGRAM SUPPORT. AS CONDITIONS PERMIT, CRITERIA MAY BE TIGHTENED OR RELAXED BUT ANY SUCH CHANGES WOULD REQUIRE INS/CO AND DEPARTMENT APPROVAL.

- VOLAGS SHOULD COMPLETE CE DOCUMENTATION ON PRINCIPALS AND PREPARE FS-510 FOR NON-PREFERENCE IV'S FOR DEPENDENTS FOR THESE REFUGEES, AS REQUESTED BY CONSULAR OFFICERS.

- VOLAGS SHOULD ALSO PROVIDE FORM I-591 ASSURANCES IN FORM OF GENERAL AGENCY ASSURANCE OR SPECIFIC SPONSOR ARRANGEMENTS.

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- VOLAGS WILL PROVIDE CE DOCUMENTATION DIRECTLY TO INS IN MANILA, TOKYO, AND HONG KONG AND TO CONSULS IN SINGAPORE, BANGKOK AND KUALA LUMPUR FOR FORWARDING TO INS HONG KONG.

C. INITIAL FIELD PROCEDURES

- INS MANILA, TOKYO AND HK WILL ESTABLISH "A" FILES ON INDEX CARDS OR CE CASES.

- CONSULAR OFFICERS WILL OPEN FILES ON IV CASES AND ESTABLISH PRIORITY DATES AT EACH POST.

D. SECURITY CLEARANCES

- CONSULAR SECTIONS WILL INITIATE VISA FALCON CHECKS ON ALL BOAT CASE REFUGEES 14 YEARS AND OLDER WHO APPEAR TO MEET U.S. CRITERIA ON THE BASIS OF PRELIMINARY REPORTS BY UNHCR.

- D/HA/ORM, WILL FOLLOW UP ON VISA FALCON CHECKS UPON REQUEST OF POSTS.

E. INS/CONS PRELIMINARY INTERVIEWS

- INS/TOKYO AND INS/MANILA WOULD INTERVIEW REFUGEE PRINCIPALS IN JAPAN AND PHILIPPINES FOR WHOM DOCUMENTATION HAS BEEN COMPLETED ON THE BASIS OF ABOVE CRITERIA TO PROVIDE A JUDGEMENT OF PROBABLE QUALIFICATION IN THE EVENT THEY APPLIED FOR CONDITIONAL ENTRY IN HONG KONG.

- INS/HONG KONG WOULD CONDUCT SUCH INTERVIEWS IN SINGAPORE, KUALA LUMPUR, JAKARTA AND BANGKOK.

- CONSULAR OFFICERS WOULD INTERVIEW DEPENDENTS OF THE ABOVE PRINCIPALS FOR PROBABLE ELIGIBILITY FOR NON-PREFERENCE VISAS. DEPENDENTS' PRIORITY REGISTRATION DATE WILL BE THE DATE ON WHICH THE PRINCIPAL APPLICANT COMPLETES APPLICATION FOR CONDITIONAL ENTRY AT POSTS.

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F. MEDICALS

- ICEM OR VOLAGS WILL ARRANGE FOR MEDICALS IN EACH COUNTRY FOR REFUGEES FOUND ELIGIBLE FOR MOVEMENT ASSISTANCE. IN BANGKOK, ICEM WILL CONTINUE USE OF NON-PANEL CONTRACT PHYSICIANS UTILIZED UNDER THE EPP FOR PER CAPITA FEE.

G. MOVEMENT AUTHORIZATION

- FOLLOWING THE INTERVIEW, MEDICAL, AND RECEIPT OF VISA FALCON CLEARANCE, DOCUMENTARY EVIDENCE FOR APPLICANTS WHO APPEAR QUALIFIED FOR CE WILL BE FORWARDED TO INS HONG KONG. SIMILARLY DOCUMENTS RELATING TO NON-PREFERENCE IV APPLICANTS WILL BE FORWARDED TO CONGEN HONG KONG. INS HONG KONG IN COORDINATION WITH THE CONGEN WILL THEN APPROVE MOVEMENT OF REFUGEES FROM OTHER POSTS TO HONG KONG BASED ON THE AVAILABILITY OF CONDITIONAL ENTRY AND NON-PREFERENCE NUMBERS. MOVEMENT ALLOCATIONS TO POSTS WILL ATTEMPT TO AVOID PILE UP OF BOAT CASES IN ANY ONE COUNTRY.

- IF NON-PREFERENCE NUMBERS ARE NOT CURRENT, MOVEMENT FROM INDIVIDUAL POSTS WILL BE BASED ON DEPENDENTS PRIORITY REGISTRATION DATE.

- REFUGEES SHOULD NOT BE MOVED FORWARD UNTIL NUMBERS ARE AVAILABLE IN HONG KONG.

- DEPENDENTS SHOULD IN NO CASE BE GRANTED CE NUMBERS WITHOUT THE APPROVAL OF WASHINGTON.

- INS/HONG KONG WILL PROVIDE MOVEMENT AUTHORIZATION TO ICEM AND CONSULATES.

H. MOVEMENT TO HONG KONG

- ICEM IS RESPONSIBLE FOR ARRANGING MOVEMENT FROM SEA POSTS TO HONG KONG.

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- BANGKOK ONLY: UNHCR WILL ARRANGE AND PAY FOR IN-COUNTRY MOVEMENT OF REFUGEES TO BANGKOK TRANSIT CENTER WHERE THEY WILL PASS TO ICEM.

- TRANSPORTATION COSTS SHOULD BE ON LOAN BASIS FROM ICEM LOAN FUND NO. 5.

- MOVEMENT SHOULD NOT COMMENCE UNTIL ICEM HAS ASSURANCES FROM RESPONSIBLE VOLAG THAT ARRANGEMENTS HAVE BEEN MADE IN US TO RECEIVE REFUGEE, EITHER BY INDIVIDUAL SPONSOR OR BY AGENCY.

I. INS/CONS INTERVIEWS

- INS/HONG KONG WILL CONDUCT FINAL INTERVIEWS FOR CE APPLICANTS AND CONGEN HONG KONG FOR DEPENDENTS.

J. CLOSING ACTION

- INS/HONG KONG WILL COMPLETE CLOSING ACTION ON APPROVED CE CASES AND CONS AND INS WILL DELIVER COMPLETED FILES TO ICEM/HONG KONG.

K. MOVEMENT TO UNITED STATES

- ICEM WILL ARRANGE FOR MOVEMENT OF REFUGEES TO US IN COORDINATION WITH VOLAGS. MOVEMENT WILL BE ON BASIS OF LOAN FROM ICEM LOAN FUND NO. 5.

- ICEM, INS/HONG KONG AND CONGEN WILL COORDINATE TO ASSURE THAT REFUGEES STAY IN HONG KONG IS AS SHORT AS POSSIBLE.

6. WHILE SEA POSTS ARE REQUESTED TO COMMENT ON PROPOSED PROCEDURES WITHOUT, AT THIS TIME, DISCUSSING THEM WITH HOST GOVERNMENTS, US MISSION GENEVA SHOULD DISCUSS PROCEDURES FURTHER WITH UNHCR AND ICEM AS NECESSARY AND SEEK CONFIRMATION OF UNHCR AND ICEM AGREEMENT WITH ROLE OUTLINED ABOVE FOR UNHCR AND ICEM FIELD STAFFS. MISSION SHOULD ALSO SEEK UNHCR AGREEMENT TO GUARANTEE TO RESETTLE ELSEWHERE ANY "BOAT CASE" REFUGEES WHICH MIGHT BE LEFT IN
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OR RETURNED TO HONG KONG. MISSION SHOULD POINT OUT, HOWEVER, THAT EITHER EVENTUALITY IS UNLIKELY.

7. DEPARTMENT WOULD EXPECT TO WORK OUT FUNDING OF ADDITIONAL ICEM ADMINISTRATIVE COSTS AS DISTINCT FROM DIRECT TRANSPORTATION COSTS TO BE CHARGED TO LOAN FUND. THIS

MIGHT BE DONE THROUGH A CONTRIBUTION TO UNHCR TO REIMBURSE UNHCR PAYMENT OF A PER CAPITA FEE TO ICEM TO COVER ADMINISTRATIVE COSTS, AS WE UNDERSTAND IS DONE IN THE CASE OF RESETTLEMENT OF INDOCHINESE FROM THAILAND TO FRANCE.

8. DEPARTMENT RECOGNIZES SINGAPORE WILL BE RELUCTANT TO ALLOW REFUGEES TO LAND EVEN WITH STRENGTHENED ASSURANCES OF RESETTLEMENT. WE ALSO RECOGNIZE MALAYSIA WILL BE RELUCTANT TO MOVE REFUGEES TO VICINITY KUALA LUMPUR WHERE THEY CAN BE MORE READILY PROCESSED. IN LIGHT OF THESE PROBLEMS, US MISSION GENEVA SHOULD URGE HIGH COMMISSIONER TO SEND PERSONAL REPRESENTATIVE TO PRESS GOS AND GOM TO CO-OPERATE IN NEW PROGRAM. WHILE IT WOULD BE POSSIBLE TO PROCEED WITHOUT GOS, NEGATIVE EFFECT OF PRESENT GOS POSITION ON DECISIONS OF SHIPMASTERS ABOUT WHETHER TO ASSIST REFUGEES IN DISTRESS AT SEA IS ONE OF MOST SERIOUS ASPECTS OF PRESENT SITUATION. PERSONAL REPRESENTATIVE OF HIGH COMMISSIONER WOULD ALSO BE USEFUL IN ASSURING HKG OF UNHCR GUARANTEES.

9. WE BELIEVE UNHCR SHOULD SPEARHEAD EFFORT WITH GOS AND GOM BUT RECOGNIZE IT MAY BE NECESSARY FOR EMBASSIES SINGAPORE AND KUALA LUMPUR TO COORDINATE WITH UNHCR AND FOLLOW-UP ON UNHCR APPROACH. WE HAVE NOTED SINGAPORE'S COMMENTS ON THIS POINT AND WILL PROVIDE FURTHER INSTRUCTIONS AS APPROPRIATE.

10. FOR HONG KONG: AGREEMENT OF HKG IS, OF COURSE, KEY ELEMENT IN PROPOSED PROCEDURES. REQUEST CONGEN JUDGMENT AS TO WHETHER SUCH AGREEMENT IS LIKELY WITHIN FRAMEWORK OF ASSURANCES PROPOSED ABOVE. IF NOT, WOULD CONGEN RECOMMEND PRIOR APPROACH IN LONDON? WOULD ALSO APPRECIATE EMBASSY LONDON COMMENTS ON THIS POINT. ROBINSON

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